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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : NOBLE, Stephen W. Jr.  
SERIAL NO : 09/759,877  
FILED : JANUARY 12, 2001  
TITLE : HYBRID MAIZE PLANT & SEED 34M94  
  
Grp./A.U. : 1638  
Examiner : KRUSE, David H.  
Conf. No. : 2539  
Docket No. : P04808US0 - PHI 1319

SECOND SUPPLEMENTAL  
AMENDMENT AFTER FINAL

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

As a follow-up to Applicant's Amendment After Final filed on September 2, 2003 and Supplemental Amendment After Final filed on September 25, 2003, in response to the communication from the Examiner dated June 2, 2003, a Final Rejection and in response to the Advisory Action of October 17, 2003, it is respectfully requested that this Second Supplemental Amendment After Final be entered and made of record. The following amendments and remarks place the application in form for allowance. No new matter is presented, as such the Amendment is proper under 37 C.F.R. § 1.116. Applicant respectfully requests reconsideration.

Introductory Comments

Claims 1-8, 20, 33, and 42-62 are pending in the present application.

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop AF, Alexandria, VA 22313-1450.

## FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-9307.

Date: 11/14/2003

  
Lita A. T. Alrad

Therefore, Applicant submits at least 2500 seeds of hybrid maize plant 34M94 and the inbred parents GE568044 and GE533486 will be deposited with the ATCC.

Applicant respectfully submits all of the changes in this Second Supplemental Amendment After Final do not add new matter as there is support for the claims in the originally filed specification as stated in the Amendment After Final submitted on September 2, 2003. Entry of this Second Supplemental Amendment After Final and approval of the changes is respectfully requested.

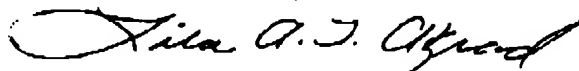
Applicant acknowledges that claims 1-4, 63-67, 83, and 91 are allowed. Applicant further acknowledges that claims 84-90 have been agreed upon as allowable by Supervisory Patent Examiner Amy Nelson as aforementioned, thereby placing these claims in form for allowance. Applicant has canceled all non-allowable claims thereby placing the application in condition for allowance and has complied with all requirements of form set forth in previous office actions.

In conclusion, Applicant submits in light of the above amendments and remarks, the claims as amended are in a condition for allowance, and reconsideration is respectfully requested. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for two months from October 2, 2003 to December 2, 2003. A request for an extension of time from September 2, 2003 to October 2, 2003 was previously filed with the Supplemental Amendment After Final filed September 25, 2003. Applicant is a large entity; therefore, please charge Deposit Account Number 26-0084 in the amount of \$840.00 for a three month extension of time minus the one month previously paid. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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Attorneys of Record

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